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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Alexander I. POLTORAK**

Serial No.: **09/730,232**

Filed: **December 5, 2000**

For: **METHOD AND SYSTEM  
FOR SEARCHING AND  
SUBMITTING ONLINE VIA  
AN AGGREGATION PORTAL**

Art Unit: **3629**

Examiner: **Janice A. MOONEYHAM**

Office Action Mailed On: **April 7, 2006**

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Commissioner for Patents  
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Alexandria, VA 22313-1450

### **APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

This Appeal Brief is responsive to the rejection in the Office Action mailed on April 7, 2006 (the "Office Action") in the above-referenced patent application. The Office Action set a period of three months for reply. The Appeal Brief is being filed concurrently with a Notice of Appeal and within three months of the mailing date of the Office Action. Therefore, the Notice of Appeal and the Appeal Brief are timely and no time extension fee is due. If the undersigned attorney is mistaken in this regard, Applicant conditionally petitions for an appropriate extension of time, and

authorization is hereby granted to charge all required time extension fees to Deposit Account No. 50-3196.

Applicant had previously filed another Notice of Appeal and another Appeal Brief, and paid fees therefor. Prosecution was reopened in response to the previous Appeal Brief. Applicant requests that the fees paid for filing the previous Notice of Appeal and Appeal Brief be applied to the present Notice of Appeal and Appeal Brief. The fees for filing a Notice of Appeal and Appeal Brief have not changed since filing of the previous Notice and Brief. Therefore, no additional fees are due for filing the attached Notice of Appeal and this Appeal Brief. If the undersigned attorney is mistaken in this regard, authorization is hereby granted to charge the Notice of Appeal and Appeal Brief fees to the same Deposit Account. Authorization is also granted to charge to the same Deposit Account all other fees necessary to file this Appeal Brief and the attached Notice of Appeal.

**I**  
**REAL PARTY IN INTEREST**

In this Appeal, the real party in interest is IP WEALTH, a New York limited liability company, having a place of business at 75 Montebello Road, Suffern, NY 10901.

**II**  
**RELATED APPEALS AND INTERFERENCES**

Appellant, Assignee, and the undersigned legal representative do not know of any other appeal, interference, or judicial proceeding that is related to, directly affects, is directly affected by, or has a bearing on the decision of the Board of Patent Appeals and Interferences (the “Board” or the “Board of Appeals”) in this Appeal.

**III**  
**STATUS OF CLAIMS**

The status of claims in the instant application is as follows:

Claims 1-47, 49-53, 66-72, and 86-88 have been rejected and are pending.

Applicants appeal from the rejection of claims 1-47, 49-53, 66-72, and 86-88.

**IV**  
**STATUS OF AMENDMENTS**

A proposed amendment canceling claim 48 is being filed concurrently with this brief. No other amendments have been filed subsequent to the rejection of claims in the Office Action mailed on April 7, 2006.

**V**  
**SUMMARY OF CLAIMED SUBJECT MATTER**

**A. Independent Claims**

**Claim 1**

Claim 1 is directed to a method for searching intellectual property listings. The method includes a step of maintaining a user-interface site accessible by a plurality of users. *E.g.*, Specification, page 9, lines 1-11; *id* page 14, lines 7-16; *id* page 17, lines 17-18; and Figure 3A, step 310.

The method further includes establishing a connection to a plurality of third-party sources of intellectual property listings available for transacting. *E.g.*, Specification, page 17, lines 11-15; and Figure 3A, step 315.

The method further includes receiving from at least one of said plurality of users search criteria for searching said plurality of third-party sources of intellectual property listings. *E.g.*, Specification, page 18, lines 3-4; and Figure 3A, step 320.

The method further includes searching said plurality of third-party sources of intellectual property listings according to said search criteria. *E.g.*, Specification, page 18, lines 4-6; and Figure 3A, step 325.

The method further includes presenting a resulting set of intellectual property listings to said at least one of said plurality of users. *E.g.*, Specification, page 18, lines 6-7; and Figure 3A, step 330.

The method further includes receiving from said at least one of said plurality of users an identification of those of said resulting set of intellectual property listings that are of interest to said at least one of said plurality of users. *E.g.*, Specification, page 18, lines 8-9; and Figure 3A, step 335.

#### Claim 21

Claim 21 is directed to a method of searching intellectual property listings online. The method includes a step of maintaining a user-interface site accessible by a plurality of users. *E.g.*, Specification, page 9, lines 1-11; *id* page 14, lines 7-16; *id* page 17, lines 17-18; and Figure 3A, step 310.

The method further includes maintaining access to a predetermined set of third-party sources of intellectual property listings searchable online. *E.g.*, Specification, page 17, lines 11-15; and Figure 3A, step 315.

The method further includes eliciting from each user search criteria for searching each of said third-party sources of intellectual property listings. *E.g.*, Specification, page 18, lines 3-4; and Figure 3A, step 320.

The method further includes designating first and second memory storage areas for storage of intellectual property listings. *E.g.*, Specification, page 19, lines 22-23; and Figure 4A, step 410.

The method further includes taking a snapshot of each of said third-party sources of intellectual property listings. *E.g.*, Specification, page 20, line 1; and Figure 4A, step 415.

The method further includes storing said snapshots in said first memory storage area. *E.g.*, Specification, page 20, line 2; and Figure 4A, step 420.

The method further includes reformatting each of said snapshots in a predetermined format. *E.g.*, Specification, page 20, lines 2-3; and Figure 4A, step 425.

The method further includes storing said reformatted snapshots in said second memory storage area. *E.g.*, Specification, page 20, lines 3-4; and Figure 4A, step 430.

The method further includes searching through said reformatted snapshots in said second memory storage area for matches with the user search criteria. *E.g.*, Specification, page 20, lines 18-20; and Figure 4B, step 470.

Claim 39

Claim 39 is directed to a method of searching listings of goods or services available for transacting. The method includes maintaining a user-interface site accessible by a plurality of users. *E.g.*, Specification, page 9, lines 1-11; *id* page 14, lines 7-16; *id* page 17, lines 17-18; and Figure 3A, step 310.

The method further includes establishing a connection to a plurality of third-party sources of said goods or services available for transacting. *E.g.*, Specification, page 17, lines 11-15; and Figure 3A, step 315.

The method further includes receiving from at least one of said plurality of users search criteria for searching said plurality of third-party sources. *E.g.*, Specification, page 18, lines 3-4; and Figure 3A, step 320.

The method further includes searching said plurality of third-party sources according to said search criteria. *E.g.*, Specification, page 18, lines 4-6; and Figure 3A, step 325.

The method further includes presenting a resulting set of goods or services listings to said at least one of said plurality of users. *E.g.*, Specification, page 18, lines 6-7; and Figure 3A, step 330.

The method further includes receiving from said at least one of said plurality of users an identification of those of said resulting set of goods or services listings that are of interest to said at least one of said plurality of users. *E.g.*, Specification, page 18, lines 8-9; and Figure 3A, step 335.

#### Claim 45

Claim 45 is directed to a system for searching for a desired one of many items offered on the Internet, where said items are presented on third-party user-interface sites in multiple lists, said lists being in differing formats. The system includes means for hosting a user-interface site. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 16, lines 10-11; Figure 2B, element 13; and Figure 3A, step 310.

The system further includes means for eliciting at least one identifying characteristic of the desired item from a user. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 16, lines 10-19; and page 18, lines 4-6.

The system further includes means for reformatting said identifying characteristic of the desired item elicited from said user in accordance with the requirements of each of said third-party

user-interface sites. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; page 19, lines 3-7; Figure 2B, element 24; and Figure 3C, step 352.

The system further includes means for searching each of said multiple lists to identify each item listed therein possessing said at least one identifying characteristic and compiling a list thereof. *E.g.*, Specification, page 9, lines 2-10; *id* page 10, line 22 through page 11, line 5; *id* page 13, line 10 through page 15, line 16; *id* page 16, lines 16-18; *id* page 19, lines 7-8; Figure 2B, element 13; and Figure 2B, element 26.

The system further includes means for reformatting at least one of said lists of items possessing said at least one identifying characteristic into a predetermined format. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 19, lines 14-16; *id* page 20, lines 2-9; and Figure 2B, element 24

The system further includes means for presenting said reformatted list to said user for further selection of the desired item. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 18, lines 6-7; *id* page 19, lines 14-16; *id* page 21, lines 6-8; and Figure 2B, element 13.

Claim 49

Claim 49 is directed to a system for searching intellectual property listings online. The system includes means for maintaining a user-interface site accessible by a plurality of users. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 16, lines 10-11; Figure 2B, element 13; and Figure 3A, step 310.

The system further includes means for maintaining access to a predetermined set of third-party sources of intellectual property listings searchable online. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; and *id* page 17, lines 18-23.

The system further includes means for eliciting from each user search criteria for searching each of said third-party sources of intellectual property listings. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 16, lines 10-19; and page 18, lines 4-6.

The system further includes means for designating first and second memory storage areas for storage of intellectual property listings. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 19, lines 22-23; Figure 4A, step 410; and Figure 2B, elements 30 and 34.

The system further includes means for taking a snapshot of each of said third-party sources of intellectual property listings. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page

15, line 16; *id* page 19, line 23 through page 20, line 2; Figure 2B, element 26; and Figure 4A, step 415.

The system further includes means for storing said snapshots in said first memory storage area. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 20, line 2; Figure 2B, element 24; and Figure 4A, step 420.

The system further includes means for reformatting each of said snapshots in a predetermined format. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 20, lines 2-3; and Figure 2B, element 24.

The system further includes means for storing said reformatted snapshots in said second memory storage area. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 20, lines 3-4; and Figure 4A, step 430.

#### Claim 50

Claim 50 is directed to a method of searching intellectual property listings online. The method includes maintaining a user-interface site accessible by a plurality of users. *E.g.*, Specification, page 9, lines 1-11; *id* page 14, lines 7-16; *id* page 17, lines 17-18; and Figure 3A, step 310.

The method further includes designating first and second memory storage areas for storage of intellectual property listings. *E.g.*, Specification, page 19, lines 22-23; and Figure 4A, step 410.

The method further includes taking a snapshot of each of a plurality of third-party sources of intellectual property listings searchable online. *E.g.*, Specification, page 20, line 1; and Figure 4A, step 415.

The method further includes storing said snapshots in said first memory storage area. *E.g.*, Specification, page 20, line 2; and Figure 4A, step 420.

The method further includes reformatting each of said snapshots in a predetermined format. *E.g.*, Specification, page 20, lines 2-3; and Figure 4A, step 425.

The method further includes storing said reformatted snapshots in said second memory storage area. *E.g.*, Specification, page 20, lines 3-4; and Figure 4A, step 430.

#### Claim 51

Claim 51 is directed to a system for searching intellectual property listings online. The system includes means for maintaining a user-interface site accessible by a plurality of users. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 16, lines 10-11; Figure 2B, element 13; and Figure 3A, step 310.

The system further includes means for designating first and second memory storage areas for storage of intellectual property listings. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 19, lines 22-23; Figure 4A, step 410; and Figure 2B, elements 30 and 34.

The system further includes means for taking a snapshot of each of a plurality of third-party sources of intellectual property listings searchable online. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 19, line 23 through page 20, line 2; Figure 2B, element 26; and Figure 4A, step 415.

The system further includes means for storing said snapshots in said first memory storage area. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 20, line 2; Figure 2B, element 24; and Figure 4A, step 420.

The system further includes means for reformatting each of said snapshots in a predetermined format. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 20, lines 2-3; and Figure 2B, element 24.

The system further includes means for storing said reformatted snapshots in said second memory storage area. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 20, lines 3-4; and Figure 4A, step 430.

Claim 52

Claim 52 is directed to a method of searching intellectual property listings online. The method includes designating first and second memory storage areas for storage of intellectual property listings. *E.g.*, Specification, page 19, lines 22-23; and Figure 4A, step 410.

The method further includes taking a snapshot of each of a plurality of third-party sources of intellectual property listings searchable online. *E.g.*, Specification, page 20, line 1; and Figure 4A, step 415.

The method further includes storing said snapshots in said first memory storage area. *E.g.*, Specification, page 20, line 2; and Figure 4A, step 420.

The method further includes reformatting each of said snapshots in a predetermined format. *E.g.*, Specification, page 20, lines 2-3; and Figure 4A, step 425.

The method further includes storing said reformatted snapshots in said second memory storage area. *E.g.*, Specification, page 20, lines 3-4; and Figure 4A, step 430.

The method further includes searching through said reformatted snapshots in said second memory storage area for matches with a user search criteria. *E.g.*, Specification, page 20, lines 18-20; and Figure 4B, step 470.

Claim 53

Claim 53 is directed to a system for searching intellectual property listings online. The system includes means for designating first and second memory storage areas for storage of intellectual property listings. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 19, lines 22-23; Figure 4A, step 410; and Figure 2B, elements 30 and 34.

The system further includes means for taking a snapshot of each of a plurality of third-party sources of intellectual property listings searchable online. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 19, line 23 through page 20, line 2; Figure 2B, element 26; and Figure 4A, step 415.

The system further includes means for storing said snapshots in said first memory storage area. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 20, line 2; Figure 2B, element 24; and Figure 4A, step 420.

The system further includes means for reformatting each of said snapshots in a predetermined format. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 20, lines 2-3; and Figure 2B, element 24.

The system further includes means for storing said reformatted snapshots in said second memory storage area. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 20, lines 3-4; and Figure 4A, step 430.

The system further includes means for searching through said reformatted snapshots in said second memory storage area for matches with a user search criteria. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 20, lines 18-21; and Figure 2B, element 24.

#### Claim 66

Claim 66 is directed to a method of searching intellectual property listings online. The method includes making available to a user a software application for installment (installation) on said user's computing device. *E.g.*, Specification, page 10, line 22-23; and *id* page 16, line 16. The application includes instructions to execute a query as specified by said user, search predetermined Internet sites and exchanges, display search results to said user via said terminal, said search results comprising one or more intellectual property listings, and enable said user to indicate a listing of interest. *E.g.*, Specification, page 11, lines 7-12; and *id* page 16, lines 18-23.

The method further includes assigning a transaction manager to contact said user and the source of said listing to facilitate a desired transaction related to said listing of interest. *E.g.*, Specification, page 11, lines 12-14; and *id* page 16, line 23 through page 17, line 3.

Claim 70

Claim 70 is directed to a system for searching intellectual property listings online. The system includes means for maintaining a user-interface site accessible by a plurality of users. *E.g.*, Specification, page 9, lines 2-17; and *id* page 13, line 10 through page 15, line 16.

The system further includes means for downloading a software application to a user's network terminal. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 10, line 22-23; and *id* page 16, line 16. The application includes instructions to execute a query as specified by said user, search predetermined Internet sites and exchanges via said user-interface site, display search results to said user via said terminal, said search results comprising one or more intellectual property listings, and enable said user to indicate a listing of interest. *E.g.*, Specification, page 11, lines 7-12; and *id* page 16, lines 18-23.

The systems further includes means for assigning a transaction manager to contact said user and the source of said listing to facilitate a desired transaction related to said listing of interest. *E.g.*, Specification, page 9, lines 2-10; *id* page 13, line 10 through page 15, line 16; *id* page 11, lines 12-14; and *id* page 16, line 23 through page 17, line 3.

**VI**  
**CONCISE STATEMENT OF THE GROUNDS OF REJECTION**

1. Claims 1, 4, 20, 39, and 48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lundberg, U.S. Patent Publication Number 2002/0091541 (“Lundberg” hereinafter).

2. Claims 21, 45, 46, and 49-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tran, U.S. Patent Application Publication Number 2002/0095368 (“Tran” hereinafter) in view of Peter Fischer, *Opening the Vault*, Software Magazine (2000) (“Fischer” hereinafter).

3. Claims 22-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tran and Fischer, and further in view of Ralph Kimball, *Fundamental Grains*, Intelligent Enterprise (1999) (“Kimball” hereinafter).

4. Claims 2, 3, 5-7, 11-16, 19, 40-44, 47, 66-72, and 86-88 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lundberg in view of Tran.

5. Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lundberg in view of Boyer *et al.*, U.S. Patent Number 6,879,990 (“Boyer” hereinafter).

6. Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lundberg in view of Fischer and Kimball.

## **VII** **ARGUMENT**

### **A. Rejection of Claim 1 as Being Anticipated by Lundberg**

According to the Office Action, Lundberg teaches all limitations of independent claim 1 in figures 1 and 2, and in numbered paragraphs [0007] and [0009].

Claim 1 recites a step of “establishing a connection to a plurality of third-party sources of intellectual property listings available for transacting.” Lundberg does not disclose listings available for transacting. Lundberg describes

retrieving or selecting a set of IP asset records from a source database of IP asset records 16 (FIG. 1) for example including all patents or trademarks issued or handled by an organization such as the United States Patent & Trademark Office, or the European Patent Office, or any other country's patent and trademark offices.

Lundberg, par. 0007. The United States Patent & Trademark Office, the European Patent Office, and patent and trademark offices of other countries do not list intellectual property that is necessarily available for transacting. To the contrary, official patent and trademark databases typically publish all or most patent documents or trademarks. In such databases, no distinction is made between the patents that are available for transacting (*e.g.*, sale or license) and those that are not available for transacting. Official patent and trademark databases are not “sources of intellectual property listings available for transacting.” They are sources of intellectual property records, not of listings available for transacting.

Applicant has argued this point on several previous occasions. In response, the Office Action noted that “transaction” can be understood to be a “discrete activity within a computer system such as an entry of a customer order or an update of an inventory item. Transactions are usually associated with database management, order entry, and other online systems.” Office Action, page 22 (citing Microsoft Computer Dictionary). The Office Action then contended that “Lundberg discloses an Internet based method and system for organizing records into user portfolios by retrieving or selecting a set of IP asset records from a source database of IP records [0007]. This is a discrete activity within a computer system.” *Id.* This contention cannot stand because a person skilled in the relevant art and informed by the specification would not understand the meaning of “transacting” as referring to “discrete activity within a computer” in the context of this application.

The Court of Appeals for the Federal Circuit has observed that “claims, of course, do not stand alone. Rather, they are part of ‘a fully integrated instrument,’ . . . consisting principally of a specification that concludes with the claims. For that reason, claims ‘must be read in view of the specification, of which they are a part.’” *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 U.S.P.Q.2D 1321, 2005 U.S. App. LEXIS 13954, \*28-29 (Fed. Cir. 2005) (*en banc*) (internal citation omitted). The “specification ‘is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.’” *Phillips*, 2005 U.S. App. LEXIS at \*29 (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)).

This principle is neither new nor limited to construction of claims in issued patents. It is well-established and equally applicable in the context of patent prosecution. *See, e.g., In re Fout*, 675

F.2d 297, 300, 213 U.S.P.Q. 532 (C.C.P.A. 1982) (“Claims must always be read in the light of the specification.”). Note that the above verbiage from *In re Fout* was quoted with approval in the *Phillips* opinion by the *en banc* Court. *Phillips*, 2005 U.S. App. LEXIS at \*29.

Here, the specification time and again employs various inflectional morphemes of the word “transact.” In each instance, such usage refers to the most conventional meaning of “transaction”: an exchange or transfer of goods, services, or funds. See MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY (Elec. Ed., Ver. 1.2, 1994-96). Consider, for example, the opening sentence of the Summary of the Invention: “In accordance with the principles of the present invention, the above and other objectives are realized in a method, system and database for facilitating a one-stop shopping aggregation portal site on the Internet and a software application for searching, listing, marketing and transacting goods and services, especially intellectual property.” Specification, at page 9, lines 2-5. Consider additional references to “shopping” on pages 6, 11-13, 15, and 23 of the Specification. Consider numerous references to “vending” (pages 3, 5, and 9), “buying” (pages 2 and 21), “selling” (pages 2 and 10), “purchasing” (page 3), “licensing” (pages 2, 5, and 6), and “marketing” (pages 2, 3, 6, 9, 11, 12, and 23). Consider also dozens of references to “exchanges” and “auctions” throughout the Specification. In stark contrast, the Specification does not suggest even once that “transaction” refers to a “discrete activity within a computer” of the kind contemplated by the Office Action.

The Office Action ascribed a very specialized meaning to the term “transacting.” Whether or not this specialized meaning can be supported by extrinsic sources in the abstract should not control claim interpretation here because the claims must be construed through the eyes of a person skilled in

the art and informed by the specification. And the Specification unequivocally uses “transacting” in the sense of exchanging or transferring property.

At least for this reason, independent claim 1 is not anticipated by Lundberg.

**B. Rejection of Claim 39 as Being Anticipated by Lundberg**

Independent claim 39 was rejected as being anticipated by Lundberg based on the same reasoning as was applied to claim 1. Claim 39 recites limitations similar to those discussed above in relation to claim 1, and should be patentable at least for the same reasons as claim 1.

**C. Rejection of Claim 21 as Being Unpatentable Over Tran and Fischer**

In rejecting claim 21 as unpatentable over Tran and Fischer, the Office Action admitted that Tran does not specifically disclose reformatting the data or taking a snapshot of the data, as recited in the claim. The Office Action then cited Fischer for disclosure of reformatting data and snapshots. The purported motivation to combine Tran and Fischer stated in the Office Action reads as follows:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate into the intellectual property management invention disclosed in Lundberg the information portals with XML repositories taught in Fisher [sic] so as to provide access to a wide array of corporate information in disparate databases and processing systems, wherein the data is gathered by the freezing of data at a predetermined point in time, thus giving a more accurate data set.

Office Action, at 6-7 (underlining added).

The purported motivation to combine given in the Office Action speaks about incorporating “XML repositories” into Lundberg, not into Tran. The Office Action does not offer any motivation to combine Tran with Fischer.

The purported rationale to combine is deficient in other ways as well. A person skilled in the art would not have a need “to provide access to a wide array of corporate information in disparate databases and processing systems,” because Tran apparently does not use “disparate databases and processing systems”; Tran discloses one system with intellectual property listings, not multiple systems. And with a single system, there appears to be no obvious need to reformat data, because the data need not be in different formats.

Note further that the Office Action does not explain why “freezing of data at a predetermined point in time” would result in “giving a more accurate data set.” The Office Action does not cite any reference and does not take Official Notice of any fact in support of this conclusion; the Office Action simply states this as a conclusion of fact. Applicant disagrees with this conclusion. A *prima facie* case of obviousness cannot be founded on such a bare, unsupported conclusion.

Still further, note that Tran and Fischer do not disclose or suggest maintaining access to a predetermined set of *third-party sources of intellectual property listings*. The Office Action cited Tran’s Figure 1, the entire Summary section (paragraphs [0006] through [0012]), and paragraph [0014] for this teaching. Neither in the cited portions nor elsewhere does Tran mention more than a single source of intellectual property listings. And even the single source disclosed in Tran is not a third-party source, but Tran’s system itself.

A third-party source of intellectual property listings must have (1) multiple listings of (2) intellectual property from (3) a third party. Here, the Office Action (at pages 5-6) possibly equates “service providers, manufacturers, or marketers” with “third-party source of intellectual property listings.” But Tran does not disclose that such persons list intellectual property. Instead, Tran mentions among such providers “IP lawyers,” “businesses such as those who specialize in trading or mediating IP related issues,” “venture capitalists,” and “analysts.” Tran does not disclose or suggest that such persons and entities have listings of intellectual property. Even if they did, Tran does not disclose or suggest that the system disclosed in that document provides access to the listings of such persons and entities. Tran’s system apparently provides links to these persons or entities, but not to any (undisclosed) listings of IP of such persons or entities.

The undersigned attorney has perused Tran’s disclosure, but has not been able to identify any suggestion of multiple third-party sources of intellectual property listings. We submit that Tran is devoid of such teaching or suggestion. Tran discloses a single system, and the disclosed system is not a third-party system.

In our previous Brief to the Board of Appeals, we also argued that Tran fails to disclose multiple third-party sources of intellectual property listings. After reopening prosecution, the Office Action responded by asserting, *inter alia*, that

As disclosed in Fischer, a portal aggregates and organizes information across disparate organizations within its portal. Most portals use XML [which] separates the data from the presentation layer, freeing up the portal application to use the same data and information and presents it in a variety of formats. XML does the federated searches since all the data is XML and can be searched. Information portals typically contain XML repositories (memory) that store XML templates. The data is transformed into XML (formatted) and then reformatted. Fischer also discloses information snapshots being captured as XML objects. Therefore, any portal will

format and reformat data. Since Tran discloses a portal, Tran formats and reformats data.

Office Action, at 22-23. Whatever the logic of these assertions, it should suffice for present purposes to point out two deficiencies in them. First, the assertions do not contain even a shred of extrinsic support. Second, it does not matter whether “most portals” use XML as alleged in the Office Action. Tran does not disclose such use. Therefore, even if the use of XML inherently lead to reformatting, it would still not follow that Tran’s system inherently reformats. As long as not all portals use XML, Tran could be among those that do not. “Inherency . . . may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” MPEP § 2112(IV) (*quoting from In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1951 (Fed. Cir. 1999)).

The references cited by the Office Action fail to disclose all of the limitations in claim 21, and the Office Action has failed to offer a motivation to combine the references. At least for these reasons, claim 21 is patentable over the references.

**D. Rejection of Claim 45 as Being Unpatentable Over Tran and Fischer**

Independent claim 45 was rejected as unpatentable over Tran and Fischer, based on the same reasoning as was applied to claim 21.

As discussed above in relation to claim 21, the Office Action has failed to provide a proper motivation to combine Tran and Fischer.

Moreover, according to its preamble, claim 45 recites a system for searching for a desired one of many items offered on the Internet, where said items are presented on third-party user-interface cites in multiple lists. The references do not disclose or suggest multiple third-party sources with lists of offered items. See the discussion of claim 21 above.

At least for these reasons, claim 45 is patentable over the references.

**E. Rejection of Claim 49 as Being Unpatentable Over Tran and Fischer**

Independent claim 49 was rejected as unpatentable over Tran and Fischer, based on the same references and reasoning as was applied to claim 21. Claim 49 recites limitations similar to those discussed above in relation to claim 21, and should be patentable at least for the same reasons as claim 21.

**F. Rejection of Claims 50-53 as Being Unpatentable Over Tran and Fischer**

The Office Action rejected claims 50-53 as unpatentable over Tran and Fischer, based on the same references and reasoning as was applied to claim 21. As discussed above in relation to claim 21, the Office Action has failed to provide a proper motivation to combine Tran and Fischer. At least for this reason, each of the claims 50-53 is patentable over Tran and Fischer.

**G. Rejection of Claims 66 and 70 as Being Unpatentable Over Lundberg and Tran**

To facilitate discussion, claim 66 is set forth below:

66. (Original) A method of searching intellectual property listings online, comprising:

a) making available to a user a software application for installment on said user's computing device, said application comprising instructions to:

i. execute a query as specified by said user;

ii. search predetermined Internet sites and exchanges;

iii. display search results to said user via said terminal, said search results comprising one or more intellectual property listings; and

iv. enabling said user to indicate a listing of interest; and

b) assigning a transaction manager to contact said user and the source of said listing to facilitate a desired transaction related to said listing of interest.

In rejecting claims 66 and 70, the Office Action reasoned that the limitation of instructions that "execute a query as specified by said user" reads on Tran's disclosure on "page 4 [0023] and [0029] [of] search engines [that] use the user profiles to search the web; profile information including company affiliations, occupations, etc [0010]."<sup>1</sup> We disagree with this statement because "profile information" is not a "query."

The word *query*, as it relates to computer systems/databases, means a "user's (or agent's) request for information, generally as a formal request to a database or search engine." Free On-Line Dictionary of Computing, *available online at* <http://foldoc.doc.ic.ac.uk/foldoc/index.html>. In

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<sup>1</sup> Although claims 66 and 70 stand rejected as unpatentable over Lundberg and Tran, the discussion of these claims in the Office Action did not rely on Lundberg in making the rejections.

numbered paragraphs [0010], [0023], and [0029], Tran does not teach executing a query specified by the user, *i.e.*, executing a request for information made by the user. Instead, Tran's system captures

the users' profiles regarding their areas of interests, current occupations, company affiliations, demographic information (such as age, gender, income, geographic location and personal interests), and the users' behavior when they are online with the system. As a result, the system can deliver targeted advertisements based on information provided by users, actual Web sites visited, Web-site being viewed, or a combination of this information, and measure their effectiveness.

Tran, par. [0010].

Note that claim 68, which depends from claim 66, recites prompting the user for personal information, which may include a profile. Thus, claim 68 recites both (1) a query, and (2) a profile, which are distinct data items. Tran may disclose a profile, but not a user's query.

Because Tran does not disclose or suggest executing a query specified by the user, it does not render claim 66 obvious. Claim 70 recites limitations similar to those in claim 66, but in "means for" apparatus element form. Claim 70 should be patentable for the same reason as claim 66.

#### **H. Rejection of Claim 3 as Being Unpatentable Over Lundberg and Tran**

Claim 3 recites a step of "securing from each of said plurality of third-party sources of intellectual property listings a fee-sharing agreement." The references apparently do not disclose or suggest a fee-sharing agreement. While the Office Action points to the disclosure of various fees by

Tran, it does not point to a disclosure of fee sharing agreements by Tran or any of the other references.

Furthermore, recall from the discussion of the base claim 1 above, that the listings in Lundberg are records in official patent and trademark databases, such as the database of the U.S. PTO. The U.S. PTO and other patent and trademark offices throughout the world are not known to enter into fee sharing agreements, as recited in claim 3. Therefore, adding fee sharing agreements to Lundberg is apparently unworkable.

At least for these reasons, claim 3 is separately patentable over the references.

#### **I. Rejection of Claim 10 as Being Unpatentable Over Lundberg and Tran**

Claim 10 recites a step of “reordering said intellectual property listings stored in said buffer memory according to predefined criteria prior to presentation thereof to said at least one of said plurality of users.” Applicant has previously argued that Lundberg does not disclose this step, either explicitly or inherently. The listings may be displayed, for example, in the order they are received. In response to this argument, the Office Action points to Lundberg’s disclosure (in paragraphs [0007] and [0009]) of deletion and addition of records to a record set.

In the method of claim 10 of the present application, reordering is performed according to predefined criteria and prior to presentation to the users. The prefix “pre” signifies “earlier than,”

“prior to,” or “before.” MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY (Elec. Ed., Ver. 1.2, 1994-96). Consequently, “predefined” means “defined previously.” Thus, the reordering criteria is defined prior to presentation to the user. Lundberg, however, teaches “grooming” records after presentation to the user:

The client computer displays to the user on the client computer a list of records found in the search (26). Then user can optionally reject, using the client computer, selected records in the list.

Lundberg, par. [0009]. For this reason, even if adding and deleting records is the same as “reordering,”<sup>2</sup> Lundberg does not disclose performing such “reordering” in accordance with predefined criteria prior to presentation to the user, and does not anticipate claim 10.

#### **J. Rejection of Claim 88 as Being Unpatentable Over Lundberg and Tran**

The additional limitations recited in claim 88 read as follows: “wherein the plurality of third-party sources of intellectual property listings available for transacting comprises third-party sources selected from the group consisting of an exchange site and an auction site.” In rejecting this claim, the Office Action did not point out where Lundberg and Tran disclose searching a plurality of third-party exchanges and/or auction sites. It appears they do not, and, therefore, claim 88 is separately patentable over these references.

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<sup>2</sup> Applicant does not necessarily agree with this conclusion.

**K. Rejection of Remaining Dependent Claims**

Dependent claims not specifically addressed in the above arguments should be patentable at least for the reasons discussed in relation to their base and intervening claims.

**VIII**  
**CONCLUSION**

For the foregoing reasons, Appellant respectfully submits that all pending claims are patentable over references of record and respectfully requests reversal of the rejections.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Anatoly S. Weiser", is written over a horizontal line.

Anatoly S. Weiser, Reg. No. 43,229  
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Dated: June 27, 2006

**APPENDIX – CLAIMS ON APPEAL**

The following is a listing of the claims in the application. Claims 1-47, 49-53, 66-72, and 86-88 have been rejected and are involved in this Appeal.

1. (Previously Presented) A method of searching intellectual property listings, comprising:

- a) maintaining a user-interface site accessible by a plurality of users;
- b) establishing a connection to a plurality of third-party sources of intellectual property listings available for transacting;
- c) receiving from at least one of said plurality of users search criteria for searching said plurality of third-party sources of intellectual property listings;
- d) searching said plurality of third-party sources of intellectual property listings according to said search criteria;
- e) presenting a resulting set of intellectual property listings to said at least one of said plurality of users; and
- f) receiving from said at least one of said plurality of users an identification of those of said resulting set of intellectual property listings that are of interest to said at least one of said plurality of users.

2. (Original) The method of Claim 1, further comprising the step of:

securing permission from each of said plurality of third-party sources of intellectual property listings for allowing a search of each said plurality of third-party sources.

3. (Original) The method of Claim 2, further comprising the step of:

securing from each of said plurality of third-party sources of intellectual property listings a fee-sharing agreement.

4. (Original) The method of Claim 1, further comprising the step of:

establishing contact between said at least one of said plurality of users and those of said plurality of third-party sources including those of said resulting set of intellectual property listings which are of interest to said at least one of said plurality of users.

5. (Original) The method of Claim 4, wherein the step of establishing contact includes the steps of:

a) hyperlinking said user with said those of said plurality of third-party sources; and  
b) transmitting to said those of said plurality of third-party sources a unique identifier for identifying said user-interface site as the source of a contemplated intellectual property transaction.

6. (Original) The method of Claim 1, further comprising the step of:

providing said at least one of said plurality of users with a transaction manager to facilitate a contemplated intellectual property transaction.

7. (Original) The method of Claim 6, further comprising the step of:

having said transaction manager contact those of said plurality of third-party sources

including those of said resulting set of intellectual property listings which are of interest to said at least one of said plurality of users to facilitate said contemplated intellectual property transaction.

8. (Original) The method of Claim 1, wherein the step of searching said plurality of third-party sources includes the steps of:

a) designating a buffer memory for temporary storage of intellectual property listings matching said search criteria;

b) reformatting said search criteria according to requirements of each of said plurality of third-party sources of intellectual property listings;

c) searching through the intellectual property listings of said each of said plurality of third-party sources for matches with said respective reformatted search criteria; and

d) collecting such intellectual property listings that match said reformatted criteria and storing said listings in said buffer memory.

9. (Original) The method of Claim 8, further comprising the step of:

reformatting said intellectual property listings stored in said buffer memory in a predetermined format prior to presentation thereof to said at least one of said plurality of users.

10. (Original) The method of Claim 8, further comprising the step of:

reordering said intellectual property listings stored in said buffer memory according to predefined criteria prior to presentation thereof to said at least one of said plurality of users.

11. (Original) The method of Claim 1, further comprising the step of:

making available to said at least one of said plurality of users analytical tools for valuation and analysis of the intellectual property.

12. (Original) The method of Claim 1, further comprising the step of:

making available to said user escrow services related to a contemplated intellectual property transaction.

13. (Original) The method of Claim 1, further comprising step of:

making available to said user title insurance covering the intellectual property which is the subject of a contemplated intellectual property transaction.

14. (Original) The method of Claim 1, further comprising the step:

making available to said user patent validity insurance covering the intellectual property which is the subject of a contemplated intellectual property transaction.

15. (Original) The method of Claim 1, further comprising the step of:

making available to said user consulting services related to a contemplated intellectual property transaction.

16. (Original) The method of Claim 1, further comprising the step of:

making available to said user legal services related to a contemplated intellectual property transaction.

17. (Previously Presented) The method of Claim 1, wherein step of searching said plurality of third-party sources includes the steps of:

a) designating first and second memory storage areas for storage of intellectual property listings;

b) taking a snapshot of each of said third-party sources of intellectual property listings;

c) storing said snapshots in said first memory storage area;

d) reformatting each of said snapshots in a predetermined format;

e) storing said reformatted snapshots in said second memory storage area;

f) taking a new snapshot of one of said third-party sources of intellectual property listings;

g) comparing said new snapshot with said snapshot of the same third-party source in said first memory storage area and identifying any changes;

h) reformatting said changes in said predetermined format;

i) updating the corresponding said reformatted snapshot in said second memory storage area with said reformatted changes;

j) replacing said snapshot in said first memory storage area with said corresponding new snapshot; and

k) repeating steps f) through j) for each of said plurality of third-party sources of intellectual

property listings.

18. (Original) The method of Claim 17, further comprising the steps of:

a) designating a buffer memory for temporary storage of intellectual property listings matching said search criteria;

b) searching through said reformatted snapshots in said second memory storage area for matches with said search criteria; and

c) collecting such intellectual property listings that match said criteria and storing said listings in said buffer memory.

19. (Original) The method of Claim 1, wherein said third-party sources are Internet auction sites.

20. (Original) The method of Claim 1, wherein said user-interface site is a website.

21. (Previously Presented) A method of searching intellectual property listings online, comprising the steps of:

a) maintaining a user-interface site accessible by a plurality of users;

b) maintaining access to a predetermined set of third-party sources of intellectual property listings searchable online;

c) eliciting from each user search criteria for searching each of said third-party sources of intellectual property listings;

- d) designating first and second memory storage areas for storage of intellectual property listings;
- e) taking a snapshot of each of said third-party sources of intellectual property listings;
- f) storing said snapshots in said first memory storage area;
- g) reformatting each of said snapshots in a predetermined format;
- h) storing said reformatted snapshots in said second memory storage area; and
- h1) searching through said reformatted snapshots in said second memory storage area for matches with the user search criteria.

22. (Original) The method of Claim 21, further comprising the steps of:

- i) taking a new snapshot of one of said third-party sources of intellectual property listings;
- j) comparing said new snapshot with said snapshot of the same third-party source in said first memory storage area and identifying any changes;
- k) reformatting said changes in said predetermined format;
- l) updating the corresponding said reformatted snapshot in said second memory storage area with said reformatted changes;
- m) replacing said snapshot in said first memory storage area with said corresponding new snapshot;
- n) repeating steps e) through m) for each of said predetermined set of third-party sources of intellectual property listings; and
- o) repeating at least once steps e) through n).

23. (Original) The method of Claim 22, further comprising the steps of:

- p) presenting a resulting set of intellectual property listings to said user; and
- q) eliciting from said user an identification of those intellectual property listings which are of interest.

24. (Original) The method of Claim 23, further comprising the step of:

- r) securing permission from each of said third-party sources of intellectual property listings allowing search of said third-party sources and presenting listings therefrom to said user.

25. (Previously Presented) The method of Claim 24, further comprising the step of:

- s) securing from each of said third-party sources of intellectual property listings a fee-sharing agreement in respect of any fees paid as a result of transactions arising out of contacts initially made through said user-interface site.

26. (Original) The method of Claim 23, further comprising the step of:

- r) establishing contact between said user and the third party maintaining said intellectual property listings which are of interest.

27. (Original) The method of Claim 26, wherein said establishing contact comprises the steps of:

- 1) hyperlinking said user with said third party maintaining said intellectual property listings

which are of interest; and

2) transmitting to said third party a unique identifier, identifying said user-interface site as the source of a contemplated intellectual property transaction.

28. (Original) The method of Claim 23, further comprising the step of:

r) providing said user with a transaction manager to facilitate a contemplated intellectual property transaction.

29. (Original) The method of Claim 28, further comprising the step of:

s) said transaction manager contacting said third party maintaining the listings of the intellectual property being of interest to said user to facilitate said transaction.

30. (Original) The method of Claim 23, further comprising the steps of:

r) designating a buffer memory for temporary storage of intellectual property listings matching said search criteria elicited from said user;

s) searching through said reformatted snapshots in said second memory storage area for matches with said search criteria; and

t) collecting such intellectual property listings that match said criteria and storing said listings in said buffer memory.

31. (Original) The method of Claim 30, further comprising the step of:

u) reformatting said intellectual property listings stored in said buffer memory in a predetermined format prior to presentation thereof to said user.

32. (Original) The method of Claim 30, further comprising the step of reordering said intellectual property listings stored in said buffer memory according to predefined criteria prior to presentation thereof to said user.

33. (Original) The method of Claim 23, further comprising the step of making available to said user analytical tools for valuation and analysis of the intellectual property, wherein said analytical tools are not available from the third party maintaining said intellectual property listings which are of interest.

34. (Original) The method of Claim 23, further comprising making available to said user escrow services related to a contemplated intellectual property transaction, wherein said services are not available from the third party maintaining said listings of said intellectual property which are of interest.

35. (Original) The method of Claim 23, further comprising the step of making available to said user title insurance covering the intellectual property which is the subject of a contemplated intellectual property transaction, wherein said title insurance is not available from the third party maintaining intellectual property listings which are of interest.

36. (Original) The method of Claim 23, further comprising the step of making available to said user patent validity insurance covering the intellectual property which is the subject of a contemplated intellectual property transaction, wherein said patent validity insurance is not available from the third party maintaining said intellectual property listings which are of interest.

37. (Original) The method of Claim 23, further comprising the step of making available to said user consulting services related to a contemplated intellectual property transaction.

38. (Original) The method of Claim 23, further comprising the step of making available to said user legal services related to a contemplated intellectual property transaction.

39. (Previously Presented) A method of searching listings of goods or services available for transacting, comprising:

- a) maintaining a user-interface site accessible by a plurality of users;
- b) establishing a connection to a plurality of third-party sources of said goods or services available for transacting;
- c) receiving from at least one of said plurality of users search criteria for searching said plurality of third-party sources;
- d) searching said plurality of third-party sources according to said search criteria;
- e) presenting a resulting set of goods or services listings to said at least one of said plurality

of users; and

f) receiving from said at least one of said plurality of users an identification of those of said resulting set of goods or services listings that are of interest to said at least one of said plurality of users.

40. (Original) The method of Claim 39, wherein said goods comprise businesses available for sale, merger or acquisition.

41. (Original) The method of Claim 39, wherein said goods comprise venture capital available for investment.

42. (Original) The method of Claim 39, further comprising providing a transaction manager to facilitate a contemplated transaction between said user and the provider of said goods or services.

43. (Original) The method of Claim 39, wherein said third-party listings are comprised by Internet auction sites.

44. (Original) The method of Claim 39, wherein said user-interface site is a website.

45. (Original) A system for searching for a desired one of many items offered on the Internet, where said items are presented on third-party user-interface sites in multiple lists, said lists being in

differing formats, comprising:

- a) means for hosting a user-interface site;
- b) means for eliciting at least one identifying characteristic of the desired item from a user;
- c) means for reformatting said identifying characteristic of the desired item elicited from said user in accordance with the requirements of each of said third-party user-interface sites;
- d) means for searching each of said multiple lists to identify each item listed therein possessing said at least one identifying characteristic and compiling a list thereof;
- e) means for reformatting at least one of said lists of items possessing said at least one identifying characteristic into a predetermined format; and
- f) means for presenting said reformatted list to said user for further selection of the desired item.

46. (Original) The system as in Claim 45, wherein said means for hosting is a computer server.

47. (Original) The system as in Claim 45, wherein said hosted user-interface site is a website and said third-party user-interface sites comprise Internet auction sites.

48. (Canceled) A system for searching intellectual property listings online, comprising:

- a) means for maintaining a user-interface site accessible by a plurality of users;
- b) means for maintaining access to a predetermined set of third-party sources of intellectual property listings searchable online;

c) means for eliciting from each user search criteria for searching each of said third-party sources of intellectual property listings;

d) means for searching said predetermined set of third-party sources of intellectual property listings in accord with said search criteria elicited from said user;

e) means for presenting a resulting set of intellectual property listings to said user; and

f) means for eliciting from said user an identification of those listings of said set of intellectual property listings which are of interest.

49. (Original) A system for searching intellectual property listings online, comprising:

a) means for maintaining a user-interface site accessible by a plurality of users;

b) means for maintaining access to a predetermined set of third-party sources of intellectual property listings searchable online;

c) means for eliciting from each user search criteria for searching each of said third-party sources of intellectual property listings;

d) means for designating first and second memory storage areas for storage of intellectual property listings;

e) means for taking a snapshot of each of said third-party sources of intellectual property listings;

f) means for storing said snapshots in said first memory storage area;

g) means for reformatting each of said snapshots in a predetermined format; and

h) means for storing said reformatted snapshots in said second memory storage area.

50. (Original) A method of searching intellectual property listings online, comprising:

- a) maintaining a user-interface site accessible by a plurality of users;
- b) designating first and second memory storage areas for storage of intellectual property listings;
- c) taking a snapshot of each of a plurality of third-party sources of intellectual property listings searchable online;
- d) storing said snapshots in said first memory storage area;
- e) reformatting each of said snapshots in a predetermined format; and
- f) storing said reformatted snapshots in said second memory storage area.

51. (Original) A system for searching intellectual property listings online, comprising:

- a) means for maintaining a user-interface site accessible by a plurality of users;
- b) means for designating first and second memory storage areas for storage of intellectual property listings;
- c) means for taking a snapshot of each of a plurality of third-party sources of intellectual property listings searchable online;
- d) means for storing said snapshots in said first memory storage area;
- e) means for reformatting each of said snapshots in a predetermined format; and
- f) means for storing said reformatted snapshots in said second memory storage area.

52. (Previously Presented) A method of searching intellectual property listings online, comprising:

- a) designating first and second memory storage areas for storage of intellectual property listings;
- b) taking a snapshot of each of a plurality of third-party sources of intellectual property listings searchable online;
- c) storing said snapshots in said first memory storage area;
- d) reformatting each of said snapshots in a predetermined format;
- e) storing said reformatted snapshots in said second memory storage area; and
- f) searching through said reformatted snapshots in said second memory storage area for matches with a user search criteria.

53. (Previously Presented) A system for searching intellectual property listings online, comprising:

- a) means for designating first and second memory storage areas for storage of intellectual property listings;
- b) means for taking a snapshot of each of a plurality of third-party sources of intellectual property listings searchable online;
- c) means for storing said snapshots in said first memory storage area;
- d) means for reformatting each of said snapshots in a predetermined format;
- e) means for storing said reformatted snapshots in said second memory storage area; and
- f) means for searching through said reformatted snapshots in said second memory storage area for matches with a user search criteria.

Claims 54-65 (Canceled).

66. (Original) A method of searching intellectual property listings online, comprising:

a) making available to a user a software application for installment on said user's computing device, said application comprising instructions to:

i. execute a query as specified by said user;

ii. search predetermined Internet sites and exchanges;

iii. display search results to said user via said terminal, said search results comprising one or more intellectual property listings; and

iv. enabling said user to indicate a listing of interest; and

b) assigning a transaction manager to contact said user and the source of said listing to facilitate a desired transaction related to said listing of interest.

67. (Original) The method of Claim 66, further comprising maintaining a user-interface site accessible by a plurality of users for downloading said software application into said user's computing device.

68. (Original) The method of Claim 66, further comprising prompting said user for personal information, said information used by said software application to automatically register said user with a plurality of Internet auctions and exchanges.

69. (Original) The method of Claim 68, wherein said personal information comprises one or more of the user's name, the user's password, the name of a company, an address, a phone number, and an e-mail address.

70. (Original) A system for searching intellectual property listings online, comprising:

- a) means for maintaining a user-interface site accessible by a plurality of users; and
- b) means for downloading a software application to a user's network terminal, said application comprising instructions to:
  - i. execute a query as specified by said user;
  - ii. search predetermined Internet sites and exchanges via said user-interface site;
  - iii. display search results to said user via said terminal, said search results comprising one or more intellectual property listings; and
  - iv. enabling said user to indicate a listing of interest; and
- c) means for assigning a transaction manager to contact said user and the source of said listing to facilitate a desired transaction related to said listing of interest.

71. (Original) The system of Claim 70, further comprising prompting said user for personal information, said information used by said software application to automatically register said user with a plurality of Internet auctions and exchanges.

72. (Original) The method of Claim 71, wherein said personal information comprises one or more of the user's name, the user's password, the name of a company, an address, a phone number, and an e-mail address.

Claims 73-85 (Canceled).

86. (Original) The method of claim 39, wherein said goods or services are offered.

87. (Original) The method of claim 39, wherein said goods or services are wanted.

88. (Previously Presented) The method of claim 1, wherein the plurality of third-party sources of intellectual property listings available for transacting comprises third-party sources selected from the group consisting of an exchange site and an auction site.

**EVIDENCE APPENDIX**

No evidence has been submitted in this case pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132.

No evidence has been entered in the record by the Examiner and relied upon by Appellant in this Appeal.

**RELATED PROCEEDINGS APPENDIX**

Appellant, Assignee, and the undersigned legal representative do not know of any other appeal, interference, or judicial proceeding that is related to, directly affects, is directly affected by, or has a bearing on the decision of the Board of Patent Appeals and Interferences in this Appeal.